

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sonja Rucnov	Team: Team # 4	CCRB Case #: 201004854	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/30/2010 9:00 PM	Location of Incident: East 220th Street and White Plains Road	Precinct: 47	18 Mo. SOL 9/30/2011	EO SOL 9/30/2011	
Date/Time CV Reported Tue, 04/13/2010 11:40 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 04/13/2010 11:40 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Eleanor Walsh	24470	946384	047 PCT
2. POM Brian Oneill	03453	947304	047 PCT
3. POM Daniel Stensgard	14090	947517	047 PCT
4. POM Brandon Ravelo	26010	948409	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Brian Oneill	Abuse: PO Brian O'Neill stopped the car in which § 87(2)(b) was an occupant.	
B.POM Brandon Ravelo	Abuse: PO Brandon Ravelo stopped the car in which § 87(2)(b) was an occupant.	
C.POM Daniel Stensgard	Abuse: PO Daniel Stensgard stopped the car in which § 87(2)(b) was an occupant.	
D.POF Eleanor Walsh	Abuse: PO Eleanor Walsh stopped the car in which § 87(2)(b) was an occupant.	
E.POM Brandon Ravelo	Force: PO Brandon Ravelo used physical force against § 87(2)(b)	

Case Summary

On April 13, 2010, § 87(2)(b) called the CCRB and filed this complaint (encl. 4a). On March 30, 2010, at approximately 9 p.m., § 87(2)(b)'s car was pulled over in the vicinity of White Plains Road and East 220 Street in the Bronx by a police van, occupied by PO Brian O'Neill, PO Christopher Ravelo, PO Daniel Stensgard, and PO Eleanor Walsh from the 47th Precinct. The following allegation ensued:

- **Allegation A-Abuse of Authority:** PO Brian Oneill stopped the car in which § 87(2)(b) was an occupant.
- **Allegation B-Abuse of Authority:** PO Brandon Ravelo stopped the car in which § 87(2)(b) was an occupant.
- **Allegation C-Abuse of Authority:** PO Daniel Stensgard stopped the car in which § 87(2)(b) was an occupant.
- **Allegation D-Abuse of Authority:** PO Eleanor Walsh stopped the car in which § 87(2)(b) was an occupant. § 87(2)(g)

- **Allegation E-Force:** PO Brandon Ravelo used physical force against § 87(2)(b) § 87(2)(g)

Results of Investigation

Civilian Statement(s)

Complainant: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old black male with a shaved head and brown eyes. He is 5'6" tall and weighs 150 pounds.

On April 16, 2010, § 87(2)(b) provided a phone statement to the CCRB (encl. 5a). On April 20, 2010, § 87(2)(b) was interviewed at the CCRB (encl. 5b). On March 30, 2010, § 87(2)(b) observed a police van as he approached a stop sign at East 220th Street and White Plains Road and made a proper stop. The police van pulled § 87(2)(b)'s car over, and PO O'Neill, PO Ravelo, PO Stensgard, and PO Walsh approached § 87(2)(b)'s car. One of the officers told § 87(2)(b) that he just ran the stop sign and requested his driver's license and registration. § 87(2)(b) stated that the officer was lying about the stop sign charge. He also told the officers he forgot his driver's license at home since he was in a rush to pick up his wife and provided his registration. The officer told § 87(2)(b) to turn off the car, put the keys on the dashboard, and exit the car. § 87(2)(b) complied and, meanwhile, took his cell phone out of his jacket pocket and answered his wife's call and told her where he was. PO Walsh grabbed the phone out of § 87(2)(b)'s hand and told § 87(2)(b) she already told him not to speak on the phone. § 87(2)(b) did not make any movements and did not raise his voice.

PO Ravelo, who was behind § 87(2)(b) grabbed § 87(2)(b) by his right wrist and kicked him in the front side of his right lower leg. § 87(2)(b) fell facedown on his right knee, then his right elbow, chest, and right cheek respectively. PO Ravelo then placed § 87(2)(b)'s right arm behind his back and knelt on his lower back. Meanwhile, another officer grabbed § 87(2)(b)'s left arm. PO Ravelo handcuffed § 87(2)(b). § 87(2)(b) did not at any point resist the officers. He was transported to the precinct where he was issued two summonses by PO Walsh: § 87(2)(b) for § 87(2)(b) and § 87(2)(b) for § 87(2)(b).

§ 87(2)(b) (encl. 5m). The following day, § 87(2)(b) went to his doctor's office because of the injuries he suffered during the incident including bruising, abrasion, and swelling on his right knee and abrasions on his right elbow, wrist, and cheek. § 87(2)(b) provided photographs of these injuries that his wife took after the incident to the CCRB (encl. 5f-5i).

NYPD Statement(s):

Subject Officer: PO BRANDON RAVELO

- *PO Ravelo is a § 87(2)(b)-old Hispanic male with black hair and brown eyes. He is 5'7" and weighs 200 pounds.*
- *On March 30, 2010, PO Ravelo worked in uniform from 5:30 p.m. to 2:05 a.m. in a van, RMP 5977, with PO O'Neill, PO Stensgard, and PO Walsh and was assigned to impact.*

CCRB Statement

On August 11, 2010, PO Ravelo was interviewed at the CCRB (encl. 9d). On March 30, 2010, PO Ravelo, PO O'Neill, PO Stensgard, and PO Walsh, were in a police van driving northbound on White Plains Road towards East 220th Street when PO Ravelo observed a car, occupied by § 87(2)(b) run a stop sign on the right side of the intersection and cut off the police van, while taking the right turn on White Plains Road. The officers pulled the car over. PO Ravelo, PO O'Neill, and PO Walsh exited the van, and PO Stensgard stayed inside the van. PO Walsh and PO Ravelo approached the driver's side of § 87(2)(b)'s car. PO Walsh requested § 87(2)(b)'s driver's license. Because § 87(2)(b) did not provide his driver's license, the officers asked him to exit his car, which he did. Meanwhile, § 87(2)(b) answered his cell phone and was speaking with someone. PO Walsh told § 87(2)(b) not to answer his phone and speak with anyone while speaking with the officers. However, § 87(2)(b) kept talking on the phone. PO Walsh told § 87(2)(b) to get off his phone multiple times and attempted to grab the phone out of his hand. § 87(2)(b) yelled during the entire incident, but PO Ravelo could not recall what he said.

PO Walsh and PO Ravelo grabbed § 87(2)(b) by his arms to handcuff him. § 87(2)(b) pulled his hands apart and turned around. PO O'Neill assisted by grabbing § 87(2)(b). PO Ravelo could not specify which part of § 87(2)(b)'s body PO O'Neill grabbed. PO Ravelo, PO Walsh, and PO O'Neill took § 87(2)(b) to the ground and handcuffed him. Neither PO Ravelo nor any officer kicked § 87(2)(b) or knelt on his back. PO Ravelo did not observe any injuries on § 87(2)(b). § 87(2)(b) was transported to the precinct because he acted disorderly and failed to provide with a lawful order. PO Walsh issued him summonses at the precinct, one of which was for § 87(2)(b).

Witness Officer: PO ELEANOR WALSH

- *PO Walsh is a § 87(2)(b)-old white female with brown hair and eyes. She is 5'5" and weighs 130 pounds.*
- *On March 30, 2010, PO Walsh worked from 5:30 p.m. to 2:05 a.m. in uniform with PO Stensgard, PO Ravelo, and PO O'Neill. She was assigned to impact in a marked van, RMP 5977.*

Memo Book

PO Walsh had the following entries in her memo book regarding the incident, At 9 p.m., issued two summonses at the corner of East 221 Street and White Plains Road (encl. 6a).

CCRB Statement

On July 20, 2010, PO Walsh was interviewed at the CCRB. PO Walsh did not have any recollection of the incident (encl. 6c).

Witness Officer: PO RYAN O'NEILL

- PO O'Neill is a § 87(2)(b)-old white male with blonde hair and brown eyes. He is 5'10" and weighs 190 pounds.
- On March 30, 2010, PO O'Neill worked from 5:30 p.m. to 2:05 a.m. in uniform and was assigned to impact with PO Ravelo, PO Walsh, and PO Stensgard in an unmarked van.

CCRB Statement

On July 23, 2010, PO O'Neill was interviewed at the CCRB (encl. 7c). PO O'Neill corroborated PO Ravelo's statement regarding § 87(2)(b) refusing to put his phone away and resisting handcuffing by flailing his arms. According to PO O'Neill, he and PO Ravelo grabbed § 87(2)(b) by his arms and shirt and forced him down to the ground. PO O'Neill did not observe PO Ravelo kick § 87(2)(b) or kneel on his back. In addition, PO O'Neill did not observe any injuries on § 87(2)(b).

Witness Officer: PO DANIEL STENSGARD

- PO Stensgard is a § 87(2)(b)-old white male with brown hair and eyes. He is 5'9" and weighs 165 pounds.
- On March 30, 2010, PO Stensgard worked from 5:30 p.m. to 2:05 a.m. in uniform with PO Walsh, O'Neill, and PO Ravelo and was assigned to impact in a marked van.

CCRB Statement

On July 29, 2010, PO Stensgard was interviewed at the CCRB (encl. 8a). PO Stensgard stated that § 87(2)(b) was upset the officers pulled his car over, but he provided his driver's license to PO Stensgard, who entered the police van to run his driver's license. PO Stensgard did not pay any attention to § 87(2)(b) once he entered the van. After PO Stensgard established that § 87(2)(b)'s driver's license was valid, he exited the van and saw that § 87(2)(b) was handcuffed. PO Stensgard did not recall observing any interaction between § 87(2)(b) and the other officers. PO Stensgard did not know why § 87(2)(b) was taken to the precinct and did not observe anything that would provide a reason to take § 87(2)(b) to the precinct. PO Stensgard did not recall seeing any injuries on § 87(2)(b).

NYPD Document(s)

The command's records revealed no summonses on file (encl. 14a).

Medical Records

§ 87(2)(b)'s medical records pertaining to his visit to § 87(2)(b) on § 87(2)(b), indicate that § 87(2)(b) complained about pain in his lower back and knee and that he suffered bruising in the areas of his right eye and knee (10b).

Summons/Arrest for Incident and Disposition

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming being falsely and forcibly placed under arrest, loss of freedom and liberty, injury to face, right knee and elbow, exacerbation and aggravation of a spinal injury, and psychological trauma seeking adjustment and payment as redress (encl. 11q).

Civilian(s) Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Civilian(s) CCRB History

- This is the first CCRB complaint filed by [§ 87(2)(b)] (encl. 2).

Subject Officer(s) CCRB History

- PO Brian O'Neill has been a member of the service for two years and there no substantiated CCRB allegations against him.
- PO Brandon Ravelo has been a member of the service for one year and there are no substantiated CCRB allegations against him.
- PO Daniel Stensgard has been a member of the service for two years and there are no substantiated CCRB allegations against him.
- PO Eleanor Walsh has been a member of the service for two years and there are no substantiated CCRB allegations against him. (encl. 1a-1d).

Conclusion

Identification of Subject Officer(s)

- [§ 87(2)(b)] identified PO Walsh based on the summonses that she issued him and alleged that PO Walsh and three other officers pulled his car over. PO O'Neill, PO Ravelo, and PO Stensgard were identified based on NYPD documents. In addition, PO O'Neill, PO Ravelo, and PO Stensgard acknowledged stopping [§ 87(2)(b)]'s car and confirmed that PO Walsh was working with them. [§ 87(2)(g)]
[REDACTED]
- [§ 87(2)(b)] alleged that a white or Hispanic officer with dark hair kicked him and kneeled on his back. [§ 87(2)(g)]
[REDACTED]

Investigative Findings and Recommendations

Allegation A-Abuse of Authority: PO Brian O'Neill stopped the car in which [§ 87(2)(b)] was an occupant.

Allegation B-Abuse of Authority: PO Brandon Ravelo stopped the car in which [§ 87(2)(b)] was an occupant.

Allegation C-Abuse of Authority: PO Daniel Stensgard stopped the car in which [§ 87(2)(b)] was an occupant.

Allegation D-Abuse of Authority: PO Eleanor Walsh stopped the car in which [§ 87(2)(b)] was an occupant.

[§ 87(2)(b)] stated that he observed a police van as he approached the stop sign and made a proper stop. PO Ravelo, PO O'Neill, and PO Sensgard claimed that they observed [§ 87(2)(b)] run the stop sign. However, the officers did not issue [§ 87(2)(b)] a summons for disobeying a stop sign. [§ 87(2)(g)]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation E-Force: PO Brandon Ravelo used physical force against § 87(2)(b)

§ 87(2)(b) stated that PO Ravelo grabbed him by his right wrist and kicked him in the front side of his right lower leg causing him to fall. PO Ravelo then kneeled on his lower back before he handcuffed him. In addition, § 87(2)(b) stated he did not resist the officers or make any movements after he exited his car. The photographs of abrasions on § 87(2)(b) right cheek, elbow, and knee as well as § 87(2)(b)'s medical records are consistent with his statement.

PO Ravelo stated that § 87(2)(b) refused to get off the phone and then resisted handcuffing by flailing his arms and turning his body, so PO Ravelo, PO Walsh, and PO O'Neill grabbed him by his arms and forced him down to the ground. PO Ravelo denied kicking § 87(2)(b) or kneeling on his back. PO O'Neill corroborated PO Ravelo's statement regarding § 87(2)(b) refusing to put his phone away and resisting handcuffing by flailing his arms.

§ 87(2)(b) admittedly was on his phone just prior to the officers taking him to the ground, which adds credence to officer claims that § 87(2)(b) was uncooperative and on the phone. § 87(2)(g)

§ 87(2)(b) The evidence shows that § 87(2)(b)'s scrapes were inflicted by coming into contact with the ground. No bruising was noted on his leg in the photos, and § 87(2)(b) did not complain about pain in his lower leg to the hospital personnel. § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date